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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,697	STRAWN ET AL.	
	Examiner	Art Unit	
	LAWRENCE GALKA	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 March 2010.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 and 21-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19 and 21-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 24 August 2009 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/1/10</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

1. Applicants' submission of a response on 3/1/10 has been received and considered. In the response, applicants amended claims 1, 15, 16 and 30. Therefore, claims 1-19 and 21-30 are pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1, 15, 16 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. Claims 1, 15, 16 and 30 recite the limitation that the transducer circuitry and an interface are disposed on an axis of the extendable support. Examiner does not believe that applicant has described a transducer mounted on the axis. The specification merely recites the existence of a transducer and a box is shown in figure 3. No detail is given as to the interconnection between the interface and the transducer or what form the transducer takes. As a result, the axis mounted transducer failed to be described in the specification.

4. Claims 1, 15, 16 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

5. Claims 1, 15, 16 and 30 recite the limitation that the transducer circuitry and an interface are disposed on an axis of the extendable support. Examiner does not believe that applicant has enabled a transducer mounted on the axis. The specification merely recites the existence of a transducer and a box is shown in figure 3. No detail is given as to the interconnection between the interface and the transducer or what form the transducer takes. As a result, the axis mounted transducer is not enabled.

6. Claims 2-14, 17-19 and 21-29 are rejected for incorporating the above errors from their respective parent claims by dependency.

7. Claim 1, 15, 16 and 30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 1, 15, 16 and 30 recite the limitation that the transducer circuitry and an interface are disposed on an axis of the extendable support. Examiner is unclear whether or not the transducer is mounted on the axis or not as no details are provided as to the form of a transducer or the manner in which it is interconnected with the interface.

9. Claims 2-14, 17-19 and 21-29 are rejected for incorporating the above errors from their respective parent claims by dependency.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3714

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-9, 14, 16-19, 21-24, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawyer (pat. no. 6,433,777) in view of Martin (pat. no. 5,712,660).

5. Regarding claim 1, Figs. 3B-3E, 4B and 4C of Sawyer disclose *a user input device comprising an extendible support (316, 412) having at a first end a tactile member for user actuation (122) and mounted at a second end for pivotal movement (col. 5, line 66 to col. 6, line 1), and transducer circuitry configured to be actuated by the extendible support (miniature force sensing apparatus, col. 4, lines 22-27), wherein the user input device has a first configuration in which the extendible support is retracted and a second configuration in which the extendible support is extended, wherein in the second configuration the user input device is operable as a*

joystick game controller (col. 5, lines 57-65), wherein the extendible support comprises an upper portion and a lower portion, wherein the upper and lower portions are sized and shaped to be locked in the first configuration until the upper portion is manually directly axially rotated by a user relative to the lower portion (user pushes down on second segment causing latch member to rotate and move tabs from beneath guides thereby unlocking the first and second segments; see col. 7, lines 30-41). It noted that Sawyer does not explicitly disclose *the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry*. Martin however teaches of a joystick with an interface (shoulder, body and horizontal protrusions, Fig. 1, 3&6) and transducers (pressure-sensitive resistive material, Fig. 1, 11) mounted on the axis and end of the joystick. Therefore, it would have been obvious to a person having ordinary skill in the art to modify the Sawyer invention to use the transducer and interface as taught by Martin. The Martin transducer would provide a means to measure displacement of the stick that is reliable and cheap.

2. Claim 14 is rejected for the same reasons as claim 1.

3. Regarding claim 16, Figs. 3B-3E, 4B and 4C of Sawyer disclose *a user input device comprising an extendible support* (316, 412) *having at a first end a tactile member for user actuation* (122) *and mounted at a second end for pivotal movement* (from col. 5, line 66 to col. 6, line 1), *and transducer circuitry configured to be actuated by the extendible support* (miniature force sensing apparatus, col. 4, lines 22-27), *wherein the user input device has a first operational configuration in which the extendible support is retracted and a second operational configuration in which the extendible support is extended, wherein the user input device*

functions as an input device in both first and second operational configurations (see Figs. 3D and 3E; col. 5, lines 57-65), wherein the user input device comprises means for extending the extendible support in response to a first user action and for retracting the extendible support in response to a reversal of the first user action (user extends by rotating tabs from under the guides and retracts by rotating tabs under the guides; see col. 7, lines 30-33 and 21-23). It noted that Sawyer does not explicitly disclose the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry.

Martin however teaches of a joystick with an interface (shoulder, body and horizontal protrusions, Fig. 1, 3&6) and transducers (pressure-sensitive resistive material, Fig. 1, 11) mounted on the axis and end of the joystick. Therefore, it would have been obvious to a person having ordinary skill in the art to modify the Sawyer invention to use the transducer and interface as taught by Martin. The Martin transducer would provide a means to measure displacement of the stick that is reliable and cheap.

Regarding claims 2 and 17, Figs. 3B-3E, 4B and 4C of Sawyer discloses that the *pivotal movement of the user input device is restricted in the first configuration and the user input device pivots freely in the second configuration* (i.e. a conventional cursor control is restricted in its ability to pivot compared to a joystick; col. 5 lines 57-65).

Regarding claim 3, Sawyer discloses that *the input device functions as an input device in both first and second configurations* (col. 5, lines 57-65).

Regarding claims 4 and 18, Sawyer discloses *the input device is operable as a navigation device in the first configuration* (i.e. a conventional cursor control stick can be used to move a cursor on a computer display; col. 5, lines 57-65).

Regarding claims 5 and 20, Sawyer discloses that *means for extending the extendible support in response to a first user action and for retracting the extendible support in response to a reversal of the first user action* (i.e. pushing the plunger of a ball point pen extension and retraction mechanism until it latches is a first user action and releasing the plunger is a reversal of the first user action in that it undoes the physical change triggered by the first user action; col. 6, lines 57-61; col. 7, lines 16-41).

Regarding claims 6 and 21, Sawyer discloses *means for extending the extendible support in response to a twisting motion applied to the tactile member about an axis of extension of the extendible support* (i.e. guides apply a force to the latch member causing it to rotate as the second segment moves between extended and collapsed positions; from col. 6, line 63 to col. 7, line 7).

Regarding claims 7 and 22, Sawyer discloses *a bias mechanism for biasing the support towards its extended configuration and a user releasable locking mechanism for retaining the extendible support in its retracted configuration* (i.e. the spring 328 is the biasing force that cause latch member to move toward extended position and the tabs 338/guides 342 are the user releasable locking mechanism; col. 7, lines 16-29).

Regarding claims 8 and 23, Sawyer discloses *means for extending further comprises a user releasable locking mechanism for retaining the extendible support in its extended configuration* (I.e. the inwardly disposed rim 344 and outwardly disposed rim 365 prevent the

spring from causing the two segments to separate at the furthest extent of their extension thereby retaining the extendible support in its extended configuration; col. 7, lines 8-15).

Regarding claims 9 and 24, Sawyer discloses *the means for extending further comprises a guide mechanism for guiding the extendible member between its retracted configuration and its extended configuration* (from col. 6, line 63 to col. 7, line 7).

Regarding claim 19, Figs. 3D and 3E of Sawyer disclose *the input device is operable as a joystick device in the second operational configuration* (col. 5, lines 57-65).

Regarding claim 29, Figs. 3B-3E, 4B and 4C of Sawyer disclose *a user input device comprising an extendible support (316, 412) having at a first end a tactile member (122) for user actuation and mounted at a second end for pivotal movement* (from col. 5, line 66 to col. 6, line 1), *wherein the user input device has a first operational configuration in which the extendible support is retracted and a second operational configuration in which the extendible support is extended, wherein the user input device functions as an input device in both first and second operational configurations* (see Figs. 3D and 3E; col. 5, lines 57-65).

4. Claim 1, 10, 11, 14, 16, 25-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lection et al. (pat. no. 6,198,472) in view of Hamilton (pat. no. 4,819,137) and Martin (pat. no. 5,712,660).

5. Regarding claim 1, Figs. 4B and 5B of Lection disclose *a user input device comprising an extendible support (105) having at a first end a tactile member for user actuation (108) and mounted at a second end for pivotal movement* (col. 4, lines 16-20; col. 6, lines 28-34), *and transducer circuitry configured to be actuated by the extendible support* (strain gauges; col. 6, lines 31-34), *wherein the user input device has a first configuration in which the extendible*

support is retracted and a second configuration in which the extendible support is extended (col. 4, lines 32-35; col. 6, lines 31-34), wherein in the second configuration the user input device is operable as a joystick game controller (col. 4 lines 58-67; col. 6, lines 34-39 and 60-63), wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry (strain gauges measures X and Y movement; see col. 6, lines 31-34). It is noted that Lection does not explicitly disclose the upper and lower portions are sized and shaped to be locked in the first configuration until the upper portion is manually directly axially rotated by a user relative to the lower portion or that the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry. Hamilton, however, teaches of a telescoping apparatus that is released by a user rotating the tip to release a bayonet type latch (col. 4, lines 42-50). In addition, Martin teaches of a joystick with an interface (shoulder, body and horizontal protrusions, Fig. 1, 3&6) and transducers (pressure-sensitive resistive material, Fig. 1, 11) mounted on the axis and end of the joystick. Therefore, it would have been obvious to a person having ordinary skill in the art to modify the Lection invention to use the latching mechanism as taught by Hamilton because both Hamilton and Lection are concerned with solving the problem of manually controlling the telescoping of an object composed of spring-loaded cylindrical telescoping segments. The Hamilton latch would prevent unwanted telescoping of the apparatus by accidental compression of the telescoping portions. It would also have been obvious to a person having ordinary skill in the art at the time of the invention to modify the Lection

invention to use the transducer and interface as taught by Martin. The Martin transducer would provide a means to measure displacement of the stick that is reliable and cheap.

6. Claim 14 is rejected for the same reasons as claim 1.
7. Regarding claim 16, Figs. 4B and 5B of Lection disclose *a user input device comprising an extendible support (105) having at a first end a tactile member for user actuation (108) and mounted at a second end for pivotal movement* (col. 4, lines 16-20; col. 6, lines 28-34), and *transducer circuitry configured to be actuated by the extendible support* (strain gauges; col. 6, lines 31-34), *wherein the user input device has a first operational configuration in which the extendible support is retracted and a second operational configuration in which the extendible support is extended* (col. 4, lines 32-35; col. 6, lines 31-34), *wherein the user input device functions as an input device in both first and second operational configurations* (col. 4, lines 30-35), *wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry* (strain gauges measures X and Y movement; see col. 6, lines 31-34). It is noted that Lection does not explicitly disclose *extending the extendible support in response to a first user action and for retracting the extendible support in response to a reversal of the first user action or that the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry*. Hamilton, however, teaches of a telescoping apparatus that is released by a user rotating the tip to release a bayonet type latch and reversing the rotation to latch the telescoped segments in their collapsed position (col. 4, lines 42-50 and lines 32-37). In addition, Martin

teaches of a joystick with an interface (shoulder, body and horizontal protrusions, Fig. 1, 3&6) and transducers (pressure-sensitive resistive material, Fig. 1, 11) mounted on the axis and end of the joystick. Therefore, it would have been obvious to a person having ordinary skill in the art to modify the Lection invention to use the latching mechanism as taught by Hamilton because both Hamilton and Lection are concerned with solving the problem of manually controlling the telescoping of an object composed of spring-loaded cylindrical telescoping segments. The Hamilton latch would prevent unwanted telescoping of the apparatus by accidental compression of the telescoping portions. It would also have been obvious to a person having ordinary skill in the art at the time of the invention to modify the Lection invention to use the transducer and interface as taught by Martin. The Martin transducer would provide a means to measure displacement of the stick that is reliable and cheap.

Regarding claims 10 and 25, Lection discloses that *the tactile member is raised approximately 3-8 mm in the second configuration compared to the first configuration* (from col. 4, line 66 to col. 5, line 5).

Regarding claims 11 and 26, Lection discloses *discrimination means for discriminating the current configuration of the user input device and control means for controlling the operation of the gaming device in dependence upon said discrimination* (i.e. the circuitry that connects the pointer stick to the computer is the discriminating means as it can detect the change in position when the stick is popped upward, while the control means is the microprocessor in the computer to which the keyboard is attached; see col. 5, lines 14-18).

Regarding claim 29, 4B and 5B of Lection discloses *a user input device comprising an extendible support (105) having at a first end a tactile member for user actuation (108) and*

mounted at a second end for pivotal movement (col. 4, lines 16-20; col. 6, lines 28-34), wherein the user input device has a first operational configuration in which the extendible support is retracted and a second operational configuration in which the extendible support is extended (col. 4, lines 32-35; col. 6, lines 31-34), wherein the user input device functions as an input device in both first and second operational configurations (col. 4, lines 30-35).

8. Claims 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer et al. (pat. no. 6,433,777) in view of Hamilton (pat. no. 4,819,137) and Martin (pat. no. 5,712,660).

9. Regarding claim 15, Figs. 3B-3E, 4B and 4C of Sawyer disclose *a user input device, for a portable electronic gaming device, comprising an extendible support (316, 412) having at a first end a tactile member for user actuation (122) and mounted for pivotal movement about a second end (from col. 5, line 66 to col. 6, line 1), and transducer circuitry configured to be actuated by the extendible support (miniature force sensing apparatus, col. 4, lines 22-27), wherein the user input device has a first configuration in which the extendible support is retracted and a second configuration in which the extendible support is extended, wherein in the second configuration the user input device is operable as a joystick (see Figs. 3D and 3E; col. 5, lines 57-65), wherein the extendible support comprises an upper portion and a lower portion (316, 314), wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry (lateral motion is measured by force sensing apparatus and used to control cursor movement; see col. 4, lines 22-27). It is noted that Sawyer does not explicitly disclose the upper and lower portions are sized*

and shaped to be locked in the first configuration until the upper portion is manually directly axially rotated by a user relative to the lower portion or that the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry. Hamilton, however, teaches of a telescoping apparatus that is released by a user rotating the tip to release a bayonet type latch (col. 4, lines 42-50). In addition, Martin teaches of a joystick with an interface (shoulder, body and horizontal protrusions, Fig. 1, 3&6) and transducers (pressure-sensitive resistive material, Fig. 1, 11) mounted on the axis and end of the joystick. Therefore, it would have been obvious to a person having ordinary skill in the art to modify the Sawyer invention to use the latching mechanism as taught by Hamilton because both Hamilton and Lection are concerned with solving the problem of manually controlling the telescoping of an object composed of spring-loaded cylindrical telescoping segments. The Hamilton latch would prevent unwanted telescoping of the apparatus by accidental compression of the telescoping portions. It would also have been obvious to a person having ordinary skill in the art at the time of the invention to modify the Sawyer invention to use the transducer and interface as taught by Martin. The Martin transducer would provide a means to measure displacement of the stick that is reliable and cheap.

10. Regarding claim 30, Figs. 3B-3E, 4B and 4C of Sawyer disclose *a user input device, for an electronic device, comprising an extendible support (316, 412) having at a first end a tactile member for user actuation (122) and mounted for pivotal movement about a second end (col. 5, line 66 to col. 6, line 1), and transducer circuitry configured to be actuated by the extendible support* (miniature force sensing apparatus, col. 4, lines 22-27), *wherein the user input device*

has a first operational configuration in which the extendible support is retracted and a second operational configuration in which the extendible support is extended, wherein the user input device functions as an input device in both first and second operational configurations (see Figs. 3D and 3E; col. 5, lines 57-65), wherein the transducer circuitry and an interface are disposed on an axis of and at the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry (lateral motion is measured by force sensing apparatus and used to control cursor movement; see col. 4, lines 22-27). It is noted that Sawyer does not explicitly disclose means for extending the extendible support in response to a direct manual rotation of the tactile member by a user's hand about an axis of extension of the extendible support or that the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry. Hamilton, however, teaches of a telescoping apparatus that is released by a user rotating the tip to release a bayonet type latch (col. 4, lines 42-50). In addition, Martin teaches of a joystick with an interface (shoulder, body and horizontal protrusions, Fig. 1, 3&6) and transducers (pressure-sensitive resistive material, Fig. 1, 11) mounted on the axis and end of the joystick. Therefore, it would have been obvious to a person having ordinary skill in the art to modify the Sawyer invention to use the latching mechanism as taught by Hamilton because both Hamilton and Lection are concerned with solving the problem of manually controlling the telescoping of an object composed of spring-loaded cylindrical telescoping segments. The Hamilton latch would prevent unwanted telescoping of the apparatus by accidental compression of the telescoping portions. It would also have been obvious to a person having ordinary skill in

the art at the time of the invention to modify the Sawyer invention to use the transducer and interface as taught by Martin. The Martin transducer would provide a means to measure displacement of the stick that is reliable and cheap.

11. Claims 10, 11, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer (pat. no. 6,433,777) and Martin (pat. no. 5,712,660) in view of Lection et al. (pat. no. 6,198,472).

12. Regarding claims 10 and 25, it is noted that Sawyer and Martin do not explicitly show that *the tactile member is raised approximately 3-8 mm in the second configuration compared to the first configuration*. Lection however, shows that such feature of the tactile member being raised approximately 1/4" in the second configuration compared to the first configuration (from col. 4, line 66 to col. 5, line 5) is old and well known. Hence, it would have been obvious to one of ordinary skill in the art to modify the device of Sawyer and Martin with the feature of the tactile member being raised approximately 1/4" in the second configuration compared to the first configuration as taught by Lection as both Sawyer and Lection are directed to the portable electronic gaming device, so as to give clear feedback that the user had switched the input device from one mode to the other (Lection: col. 4, line 65 to col. 5, line 3).

Regarding claims 11 and 26, it is noted that Sawyer and Martin do not explicitly teach *discrimination means for discriminating the current configuration of the user input device and control means for controlling the operation of the gaming device in dependence upon said discrimination*. Lection however, teaches the circuitry that connects the pointer stick to the computer can detect the change in position when the stick is popped upward (col. 5, lines 14-18) as well as a computer system (col. 5, lines 31-37) which are the discriminating means and control

means respectively. Hence, it would have been obvious to one of ordinary skill in the art to modify the device of Sawyer and Martin with the feature of the discrimination means for discriminating the current configuration of the user input device and control means for controlling the operation of the gaming device in dependence upon said discrimination as taught by Lection as both Sawyer and Lection are directed to the portable electronic gaming device. Detection of the mode of the input device would allow for a distinct set of operating parameters for each configuration which would improve the control experienced by user when using the input device in either configuration.

13. Claims 12 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer (pat. no. 6,433,777) and Martin (pat. no. 5,712,660) in view of Oueslati et al. (pat. no. 6,806,865).

14. Regarding claims 12 and 27, it is noted that the teachings of Sawyer and Martin do not disclose *an electronic gaming device that is pocket sized and for handheld use*. However, Oueslati teaches of a joystick on a handheld computer (from col. 1, line 63 to col. 2, line 4). Hence, it would have been obvious to one of ordinary skill in the art to modify the device of Sawyer and Martin with the features of the electronic gaming device is pocket sized and for handheld use as taught by Oueslati. Using the Sawyer/Martin/Oueslati input device on a mobile phone would allow gaming while on public transportation or when traveling.

15. Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer (pat. no. 6,433,777) and Martin (pat. no. 5,712,660) in view of Oueslati et al. (pat. no. 6,806,865) and Peng (pub. no. 2003/0052861).

16. Regarding claims 13 and 28, it is noted that the teachings of Sawyer and Martin and Oueslati do not disclose *an electronic gaming device further operable as a mobile cellular telephone*. However, Peng teaches a joystick on a mobile cellular telephone ([0015]). Hence, it would have been obvious to one of ordinary skill in the art to modify the device of Sawyer, Martin and Oueslati with the features of the electronic gaming device further operable as a mobile cellular telephone as taught by Peng. Using the Sawyer/Martin/Oueslati input device on a mobile phone would allow gaming while on public transportation or when traveling.

17. Claims 12 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lection et al. (pat. no. 6,198,472), Hamilton (pat. no. 4,819,137) and Martin (pat. no. 5,712,660) in view of Oueslati et al. (pat. no. 6,806,865).

18. Regarding claims 12 and 27, it is noted that the teachings of Lection, Hamilton and Martin do not disclose *an electronic gaming device that is pocket sized and for handheld use*. However, Oueslati teaches of a joystick on a handheld computer (from col. 1, line 63 to col. 2, line 4). Hence, it would have been obvious to one of ordinary skill in the art to modify the device of Lection, Hamilton and Martin with the features of the electronic gaming device is pocket sized and for handheld use as taught by Oueslati. Using the Lection/Hamilton/Martin/Oueslati input device on a mobile phone would allow gaming while on public transportation or when traveling.

19. Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lection et al. (pat. no. 6,198,472), Hamilton (pat. no. 4,819,137), Martin (pat. no. 5,712,660) and Oueslati et al (pat. no. 6,806,865) in view of Peng (pub. no. 2003/0052861).

20. Regarding claims 13 and 28, it is noted that the teachings of Lection, Hamilton, Martin and Oueslati et al. do not disclose *an electronic gaming device further operable as a mobile cellular telephone*. However, Peng teaches a joystick on a mobile cellular telephone ([0015]). Hence, it would have been obvious to one of ordinary skill in the art to modify the device of Lection, Hamilton, Martin and Oueslati with the features of the electronic gaming device further operable as a mobile cellular telephone as taught by Peng. Using the Lection/Hamilton/Martin/Oueslati input device on a mobile phone would allow gaming while on public transportation or when traveling.

Response to Arguments

21. Applicants' arguments filed on March 1, 2010 have been fully considered but they are not entirely persuasive.

22. The rejection of claim 15 under 35 USC §112, first paragraph has not been withdrawn because the current amendments to that claim have introduced additional 112 issues.

23. On pages 7-10, applicants argue that amended claims 1, 15, 16 and 30 are patentable over Sawyer because Sawyer does not disclose transducer circuits and interface mounted on the axis of the stick to translate movement into signals. Examiner agrees in part. Sawyer has transducers but it does not explicitly disclose exactly where they are located with respect to the stick. Regardless, given the teachings of Martin it would have been obvious to a person having ordinary skill in the art to modify the Sawyer invention to have axially mounted transducers as detailed above. Finally, examiner believes applicant has not enabled or adequately described axially mounted transducers as detailed above.

24. On pages 10-11, Applicants argue that amended claims 1 and 16 are patentable over Lection and Hamilton because these references don't disclose transducer circuits and interface mounted on the axis of the stick to translate movement into signals and because combining the references would run counter to the spirit of the Lection invention. Examiner respectfully disagrees. Lection has an interface (Fig. 4B, 105) and transducers (Fig. 4A, 101-104). Regardless, given the teachings of Martin it would have been obvious to a person having ordinary skill in the art to modify the Lection invention to have axially mounted transducers as detailed above. Furthermore, examiner believes applicant has not enabled or adequately described axially mounted transducers as detailed above. Regarding Hamilton, both Lection and Hamilton are concerned with solving the problem of manually controlling the telescoping of a spring-loaded cylindrical object. The bayonet latch of Hamilton is functionally the same as the ball point pen indexing device as disclosed in Lection. Replacing the ball point pen style indexing with a Bayonet latch would be beneficial in that accidental deployment caused by transient downward force on the stick could be prevented.

25. On pages 11-12, Applicants argue that amended claim 30 is patentable over Sawyer and Hamilton because these references don't disclose transducer circuits and interface mounted on the axis of the stick to translate movement into signals and there is no motivation to combine the references. Examiner agrees in part. Sawyer has transducers but it does not explicitly disclose exactly where they are located with respect to the stick. Regardless, given the teachings of Martin it would have been obvious to a person having ordinary skill in the art to modify the Sawyer invention to have axially mounted transducers as detailed above. In addition, examiner believes applicant has not enabled or adequately described axially mounted transducers as

detailed above. Regarding Hamilton, both Sawyer and Hamilton are concerned with solving the problem of manually controlling the telescoping of a spring-loaded cylindrical object. The bayonet latch of Hamilton is functionally the same as the ball point pen indexing device as disclosed in Sawyer. Replacing the ball point pen style indexing with a Bayonet latch would be beneficial in that accidental deployment caused by transient downward force on the stick could be prevented.

26. On pages 7-14, Applicants argue that the various defendant claims are allowable since no reference shows transducer circuits and interface mounted on the axis of the stick their respective independent claims are allowable. Examiner respectfully disagrees. The independent claims are rejected as explained above. The defendant claims are also rejected as explained above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE GALKA whose telephone number is (571) 270-1386. The examiner can normally be reached on M-Th 7:30-5, every other F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272 4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/JAMES S. MCCLELLAN/
Primary Examiner, Art Unit 3714

LSG 5/25/10